

JAMES E. GIBBONS (*pro hac vice*)  
Cal. State Bar No. 130631  
**MANNING & KASS  
ELLROD, RAMIREZ, TRESTER LLP**  
801 South Figueroa Street, 15th Floor  
Los Angeles, CA 90017  
Tel. (213) 624-6900  
jeg@manningllp.com

ROBERT W. COHEN (*pro hac vice*)  
Cal. State Bar No. 150310  
MARIKO TAENAKA (*pro hac vice*)  
Cal. State Bar No. 273895  
**LAW OFFICES OF ROBERT W. COHEN, A.P.C.**  
1901 Avenue of the Stars, Suite 1900  
Los Angeles, CA 90067  
Tel. (310) 282-7586  
rwc@robertwcohenlaw.com  
mt@robertwcohenlaw.com

*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

SHIGE TAKIGUCHI, FUMI NONAKA,  
MITSUAKI TAKITA, TATSURO SAKAI,  
SHIZUKO ISHIMORI, YUKO NAKAMURA,  
MASAAKI MORIYA, HATSUNE HATANO, and  
HIDENAO TAKAMA, individually and on behalf of  
all others similarly situated,

Plaintiff,

v.

MRI INTERNATIONAL, INC., EDWIN J.  
FUJINAGA, JUNZO SUZUKI, PAUL MUSASHI  
SUZUKI, LVT, INC., dba STERLING ESCROW,  
and DOES 1-500,

Defendants.

Case No.: 2:13-cv-01183-HDM-NJK

**[PROPOSED] ORDER AND  
STIPULATION FOR  
CONTINUANCE OF DEADLINE  
TO FILE MOTION FOR  
PRELIMINARY APPROVAL OF  
CLASS ACTION SETTLEMENT AS  
TO MRI INTERNATIONAL, INC.  
AND EDWIN FUJINAGA**

1 Plaintiffs Shige Takiguchi, et. al. and Defendants MRI International, Inc. (“MRI”) and Edwin  
2 Fujinaga (collectively the “Parties”) submit this stipulation for an order continuing the deadline for  
3 dispositive motions.

4 WHEREAS, on November 17, 2017 the Court ordered Parties to file a motion for preliminary  
5 approval of class action settlement no later than December 11, 2017 (Dkt. 764);

6 WHEREAS, the Parties reached a settlement in principle in September 2017 and have exchanged  
7 drafts of the settlement agreement (“Class Action Settlement Agreement”);

8 WHEREAS, on November 17, 2017 Mr. Fujinaga raised, for the first time, his concern that, since  
9 a receiver has been appointed by the Court in the parallel U.S Securities and Exchange Commission’s  
10 action against MRI and himself (*SEC v. MRI International, Inc.*, USDC Nevada Case No. 2:13-cv-1658,  
11 Dkt. 226) (“SEC Action”), he believed that he may not be authorized to enter into any settlement on  
12 behalf of MRI or himself;

13 WHEREAS, on November 18, 2017, the Court appointed receiver in the SEC Action, Robb  
14 Evans & Associates, confirmed its belief to plaintiff’s counsel that Mr. Fujinaga was not authorized to  
15 enter into a settlement agreement with Plaintiffs and directed that Plaintiffs send a copy of the Class  
16 Action Settlement Agreement to the receiver’s counsel, Lynch Law Practice;

17 WHEREAS, on November 30, 2017, the Receiver declined to enter into the Class Action  
18 Settlement Agreement because he did not believe that the settlement would benefit the receivership  
19 estate;

20 WHEREAS, on November 30, 2017, and December 7, 2017, Plaintiffs’ counsel met and  
21 conferred with Receiver’s counsel, Michael Lynch, Esq., explaining that the order appointing receiver  
22 specifically includes a carve-out provision exempting the present action from the Receiver’s control and  
23 that, in any event, the settlement is in the best interest of all parties, including the receivership estate;

24 WHEREAS, the Receiver maintains its position that he is unable to authorize the settlement  
25 absent direction from the Court;

26 WHEREAS, the Parties intend to file a joint motion in the SEC Action requesting direction from  
27 the Court, either that the Receiver lacks authority to direct the settlement in this action, or that Judge  
28 Mahan order the Receiver to enter into the Class Action Settlement Agreement;

NOW, therefore, the Parties jointly move that the Court enter an order providing for:

1. A 30-day continuance of the deadline to file a motion for preliminary approval to January 10, 2018.

Dated: December 8, 2017

MANNING & KASS  
ELLROD, RAMIREZ, TRESTER LLP

By: /s/ James Gibbons  
JAMES E. GIBBONS  
STEVEN J. RENICK  
Attorneys for Plaintiffs

LAW OFFICES OF ROBERT W. COHEN  
A Professional Corporation

By: /s/ Robert W. Cohen  
ROBERT W. COHEN  
MARIKO TAENAKA  
Attorneys for Plaintiffs

HITZKE & FERRAN

By: /s/ Erick Ferran  
Erick Ferran  
Attorneys for Defendant MRI International,  
Inc. and Edwin Fujinaga

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: \_\_\_\_\_

\_\_\_\_\_  
United States District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on December 8, 2017, a copy of the foregoing document was filed electronically via the Court's CM/ECF system. Pursuant to Local Rule 5.5(h), notice of filing will be served on all parties by operation of the Court's CM/ECF system, and parties may access this filing through the Court's CM/ECF system.

/s/ Mariko Taenaka  
Mariko Taenaka